CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt. ☐ U.S.	
Zachary Herman		Squad #12	201901006	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Monday, 01/28/2019 7:50 AM		§ 87(2)(b)	7(2)(b)	75	7/28/2020	3/14/2021
Date/Time CV Reported		CV Reported At: How CV Reported		Date/Time Received at CCRB		
Sun, 02/03/2019 10:53 AM		CCRB On-line website		Sun, 02/03	Sun, 02/03/2019 10:53 AM	
Complainant/Victim	Type	Home Address				
Subject Officer(s)	Shield	TaxID	Command			
1. DT3 Thomas Napolitano	3282	940682	BKROBSQ			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. Officers		·	WARRSEC			
Officer(s)	Allegation		Investigator Recommendation			
A.DT3 Thomas Napolitano	Abuse: Detective Thomas Napolitano entered in Brooklyn.					
B.DT3 Thomas Napolitano	Abuse: Detective Thomas Napolitano searched in Brooklyn.					

Case Summary

On February 3, 2019, § 87(2)(b) filed this complaint with the CCRB via the on-line website. On January 28, 2019, at approximately 7:50 a.m., Detective Thomas Napolitano and other members of the Warrants Section went to the in Brooklyn. They spoke with resident §87(2)(b) and said that they had a warrant for allowed the officers to enter his house (Allegations A and B: Abuse of Authority, § 87(2)(g) Det. Napolitano and his team searched the house. After conducting the search, the officers left without making any arrests. No video footage was recovered in the course of this investigation. Officers assigned to the warrant squad were not assigned body-worn cameras at the time of the incident. **Findings and Recommendations** Allegation (A) Abuse of Authority: Detective Thomas Napolitano entered \$87(2),6 in Brooklyn. Allegation (B) Abuse of Authority: Detective Thomas Napolitano searched in Brooklyn. It is undisputed that on January 28, 2019, at 7:50 a.m., at Brooklyn, Det. Napolitano and the other members of his team entered and search that location. It is also undisputed that § 87(2)(b) gestured to officers to grant them entry into his apartment. In his statement to the CCRB, \$87(2)(b) testified that at the time of incident, he was inside 87(2)(b) his apartment, which is the first floor of is the owner of which is a multi-story and multi-unit residence. At approximately 8:00 a.m., he heard a knock at his apartment door. He opened his front door and observed Det. Napolitano, and other officers in the exterior hallway outside his door. PO Napolitano told that they were looking for \$87(2)(b) and asked if \$7(2) lived at the responded that \$87(2)(b) did not live there. Det. Napolitano to see a warrant. Det. Napolitano showed \$87(2)(b) a document he believed to be a warrant. An unidentified officer asked [S87(2)(b)] if the officers could enter the felt that the officers would enter even if he refused, so he opened the house. door and gestured to the officers to come inside. Det. Napolitano and the unidentified officer

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to the basement for the officers, but did not accompany them into the room. After a short period

apartment. The two officers looked around in each room in (270)

did not recall how long, Det. Napolitano and the unidentified officer

had a basement, which he did. He opened the door

apartment, but did not open any compartments or look anywhere a person could not

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fit. The two officers asked if §87(2)(b)

returned from his basement (BR01).

In his statement to the CCRB, Det. Napolitano stated that prior to traveling to \$\frac{8.7(2)(b)}{2.000}\$ on January 28, 2019, he conducted computer checks in the NYPD Domain Awareness System (DAS) system for \$\frac{8.7(2)(b)}{2.000}\$ These checks indicated that the location was a prior residence for \$\frac{8.7(2)(b)}{2.000}\$ He did not testify to these checks returning any additional information. Additionally, Det. Napolitano had been informed by witnesses that \$\frac{8.7(2)(b)}{2.000}\$ was frequently observed in the vicinity of \$\frac{8.7(2)(b)}{2.000}\$ Det. Napolitano arrived at \$\frac{8.7(2)(b)}{2.000}\$ at approximately 7:50 a.m. After entering the hallway outside the first-floor apartment of \$\frac{8.7(2)(b)}{2.000}\$ opened the door, and Det. Napolitano asked him if he knew \$\frac{8.7(2)(b)}{2.000}\$ was the subject of a parole warrant. \$\frac{8.7(2)(b)}{2.000}\$ responded that \$\frac{8.7(2)(b)}{2.000}\$ if he could come in to verify that \$\frac{8.7(2)(b)}{2.000}\$ was not present at the location. \$\frac{8.7(2)(b)}{2.000}\$ responded, "No
problem," fully opened the door, and made an ushering gesture with his arm. Det. Napolitano entered the apartment, and was guided through the apartment by \$87(2)(b) After searching the apartment for \$87(2)(b) Det. Napolitano and the other members of his team left the location (BR02).
The warrants section did not generate any DD5s associated with \$87(2)(b) (BR07).
Det. Napolitano possessed an arrest warrant for \$87(2)(b) listing \$87(2)(b) as as \$87(2)(b) address (BR03).
Per a conversation with Det. Patrick Jean-Pierre, a detective from the NYPD Internal Affairs Bureau assigned as a CCRB Liaison, on August 12, 2019, once parole warrants are executed and/or the parolee is re-arrested, parole warrants are closed and are not accessible by NYPD Personnel (BR09).
§ 87(2)(b) was arrested on February 13, 2019 (BR08).
. After viewing the warrant, \$\frac{87(2)(b)}{2}\$ allowed Det. Napolitano to enter and search his apartment for \$\frac{87(2)(b)}{2}\$ Det. Napolitano testified he spoke to \$\frac{87(2)(b)}{2}\$ regarding \$\frac{87(2)(b)}{2}\$ Det. Napolitano did not testify to showing \$\frac{87(2)(b)}{2}\$ a warrant, or to discussing \$\frac{87(2)(b)}{2}\$ with \$\frac{87(2)(b)}{2}\$

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Civilian and Officer CCRB Histories

- This is the first CCRB complaint \$887(2)(b) has been a party to (BR10).
- Det. Napolitano has been a member of service for 13 years and has been a subject in 17 CCRB complaints and 34 allegations, of which four were substantiated.
 - Case No. 201010420 involved a substantiated allegation of force. Det. Napolitano was found not guilty by APU.
 - Case No. 201609591 involved a substantiated allegation of a premises entered or searched. The Board recommended command level instructions and the NYPD imposed formalized training.
 - Case No. 201701615 involved substantiated allegations of force gun pointed and abuse of authority – premises entered or searched. The Board recommended command discipline A and the NYPD made a ruling of Department Unable to Prosecute, and therefore did not impose discipline.
 - O Det. Napolitano's CCRB history shows contains 2 search allegations and seven entry allegations.

Mediation, Civil and Criminal Histories

● § 87(2)(b) • § 87(2)(b)	rejected mediation	in the course of providing his in-perso	on statement.
		York City Office of the Comptroller hards this to complaint (BR11).	as no record of a
Squad No.: 12	2		
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:		Page 4	

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Date

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